

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
David W. CANNELL et al.)	Group Art Unit: 1615
)	
Application No.: 09/614,118)	Examiner: H. Sheikh
)	
Filed: July 11, 2000)	Confirmation No.: 1975
)	
For: THE USE OF C3-C5)	
MONOSACCHARIDES TO)	
PROTECT KERATINOUS FIBERS)	

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS-WEB

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached; however, pursuant to 37 C.F.R. § 1.98(a), copies of the U.S. patent application publications are not enclosed. Copies of the co-pending applications and Office Actions therein are also not enclosed as they are available on the Image File Wrapper System of the United States Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system. Applicant respectfully requests that the Examiner consider the

listed documents and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d (BNA) 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See *also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

With respect to the following non-English language document listed on the attached IDS Form PTO/SB/08, Applicants provide the following remarks:

1. **JP 08143416** - An abstract of the disclosure of this document may be found in the English language abstract submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 9, 2010

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